

## NOT VOTING—4

Durbin Fetterman  
Feinstein McConnell

The amendment (No. 14) was rejected.  
The PRESIDING OFFICER (Ms. HASSAN). The Senator from Minnesota.

S. 316

Ms. KLOBUCHAR. Madam President, I rise in support of the legislation repealing the 1991 and 2002 authorizations for use of military force against Iraq. I am pleased about the vote.

I want to thank Senator TIM KAINE and Senator TODD YOUNG for leading this bipartisan legislation as well as Chair BOB MENENDEZ for moving it through the Senate Foreign Relations Committee.

With this bill, we are asserting Congress's constitutional power to determine when to begin and end wars. These AUMFs were passed 32 and 21 years ago respectively. The Gulf war ended in a matter of months, and the Iraq war that began more than a decade later has been over for 12 years. It is time for Congress to act.

Open-ended AUMFs serve no strategic purpose and undermine Congress's authority to determine if and when to send our troops into battle, which is a major decision that we should make.

On top of that, they come with great risk. It is far too easy for a Presidential administration to treat an AUMF as blanket permission to enter into or to stoke conflicts abroad. It doesn't matter which party is in the White House—our Constitution grants war powers to Congress.

We also must recognize that the situation on the ground has changed. Iraq is now a sovereign democracy and America's strategic partner in the Middle East. If we want to work with them to advance stability in the region—and we should—what kind of signal does it send to have our laws identify Iraq as an enemy nation?

Repealing the AUMFs will not halt our military's strategic operations in Iraq, and it will not harm our national defense; but it will offer a measure of closure to the veterans and service-members who sacrificed so much on the battlefield.

I will not soon forget when I went to Baghdad and Fallujah and saw firsthand the bravery and commitment of our troops. The Minnesota soldiers I met over there—as, I am sure, the Presiding Officer met with New Hampshire soldiers—never once complained about their missions. Instead, they asked me to call their moms and dads at home to tell them they were OK.

And not a day goes by that I don't think of that afternoon at the Baghdad Airport. By circumstance, we were getting on a plane. I saw a group standing, and I went over there. They were members of the Duluth National Guard, whom I have met many times since. They were there, saluting, as six caskets, draped in American flags, were loaded onto a plane to be flown home.

Our troops did their jobs and more. Let's do ours. It is time to bring an end to the AUMFs and the war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

## MORNING BUSINESS

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

## CONFIRMATION OF GORDON P. GALLAGHER

• Mr. DURBIN. Madam President, today, the Senate voted to confirm Judge Gordon Gallagher, nominated to the U.S. District Court for the District of Colorado.

Judge Gallagher earned his B.A. from Macalester College and his J.D. from the University of Denver College of Law. After graduating from law school, he began a litigation career focused on criminal work. He spent a year with Underhill & Underhill, P.C., and then joined the Mesa County District Attorney's Office, where he prosecuted a wide range of felonies and misdemeanors. Judge Gallagher later entered solo legal practice, focusing on criminal defense work. During this time, he served as a contract attorney with Alternate Defense Counsel, which provides representation to indigent defendants when the local public defender is conflicted out of a matter. In total, he has tried approximately 275 cases to verdict, including 250 jury trials.

While remaining a practicing attorney, Judge Gallagher also serves as a part-time Federal magistrate judge for the District of Colorado, a position he has held since 2012. In this role, Judge Gallagher has presided over approximately a dozen criminal misdemeanor and petty offense bench trials. He also supervises the District's pro se intake division, helping to expedite consideration and resolution of pro se matters. Judge Gallagher was unanimously rated "well qualified" by the ABA and received a bipartisan vote in committee. He has the strong support of his home State Senators—Mr. BENNET and Mr. HICKENLOOPER—and the Colorado legal and law enforcement community.

Given his significant trial experience and deep knowledge of Western Colorado, I strongly support the nomination of Judge Gallagher and am glad to see him confirmed. •

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

## VOTE EXPLANATION

• Mr. DURBIN. Madam President; I was necessarily absent for rollcall vote No. 63, motion to proceed to S.316, a bill to repeal the authorizations for use of military force against Iraq. Had I been present for the vote, I would have voted yea.

I was necessarily absent for rollcall vote No. 64, Confirmation of the nomination of Gordon Gallagher to be U.S. District Judge for the District of Colorado. Had I been present for the vote, I would have voted yea.

I was necessarily absent for rollcall vote No. 65, on the Paul Amendment No. 2, to repeal the 2001 Authorization for Use of Military Force. Had I been present for the vote, I would have voted nay.

I was necessarily absent for rollcall vote No. 66, on the Graham Amendment No. 14 to provide for more targeted authority under the Authorizations for Use of Military Force Against Iraq Resolution of 2002. Had I been present for the vote, I would have voted nay. •

## GOVERNMENT ACCOUNTABILITY OFFICE LEGAL OPINION

Mr. CASSIDY. Madam President, I ask unanimous consent that the following letter from the Government Accountability Office be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## DECISION

Matter of: U.S. Department of Education—Applicability of the Congressional Review Act to the Department of Education's Student Loan Debt Relief Website and Accompanying Federal Register Publication.

File: B-334644.

Date: March 17, 2023.

## DIGEST

The U.S. Department of Education (ED) announced actions to extend a pause on federal student loan repayment and to cancel certain loan debts on a website titled "One-Time Federal Student Loan Debt Relief." ED also publicized these actions in a Federal Register document titled Federal Student Aid Programs (Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program). GAO received a request for a decision as to whether ED's actions announced on its website and in the Federal Register (collectively ED's "Waivers and Modifications") are a rule for purposes of the Congressional Review Act (CRA). CRA incorporates the Administrative Procedure Act's (APA) definition of a rule and requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate, as well as to the Comptroller General. ED did not submit a CRA report to Congress or the Comptroller General on its Waivers and Modifications.

We conclude that ED's Waivers and Modifications meet the definition of a rule under CRA and that no exception applies. Therefore, ED's Waivers and Modifications are subject to the requirement that they be submitted to Congress. If ED finds for good cause that normal delays in the effective date of the rule are impracticable, unnecessary, or contrary to the public interest, then its rule may take effect at such time as the agency determines, consistent with CRA.

## DECISION

On August 24, 2022, President Biden announced that the U.S. Department of Education (ED) would take action to extend a then-current "pause on federal student loan